

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



SAMANTHA BREWSTER,

Plaintiff,

v.

23-CV-544 (JLS) (LGF)

MERCANTILE ADJUSTMENT BUREAU,
LLC,

Defendant.

DECISION AND ORDER

Plaintiff Samantha Brewster commenced this action against Defendant Mercantile Adjustment Bureau, LLC, alleging claims under the Fair Debt Collection Practices Act. *See* Dkt. 1. Defendant filed a motion for summary judgment. Dkt. 17. Plaintiff responded in opposition (Dkt. 21), and Defendant replied. Dkt. 24. Plaintiff also filed a cross-motion for summary judgment. Dkt. 21. Defendant moved to strike Plaintiff's cross-motion and filed a response in opposition. Dkt. 22, 26. Plaintiff opposed the motion to strike (Dkt. 25), and Defendant replied. Dkt. 27.

On June 24, 2025, Judge Foschio¹ issued a Report and Recommendation ("R&R"), recommending that this Court: (1) dismiss as moot in part, deny in part,

¹ This Court referred the case to United States Magistrate Judge Leslie G. Foschio for all proceedings under 28 U.S.C. §§ 636(b)(1)(A), (B), and (C). Dkt. 6.

and grant in part Defendant's motion for summary judgment; (2) grant in part and deny in part Plaintiff's cross-motion; and (3) deny Defendant's motion to strike. Dkt. 28, at 33. Neither party filed objections.

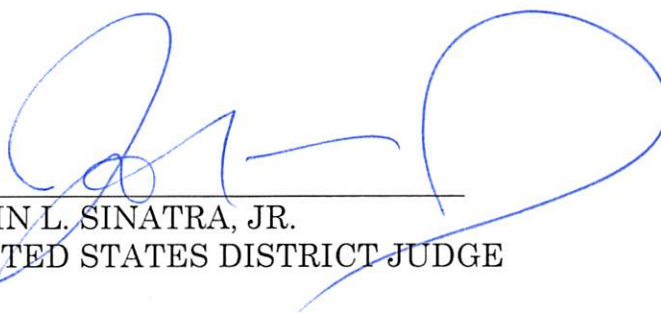
A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). A district court must conduct a *de novo* review of those portions of a magistrate judge's recommendation to which a party objects. *See* 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(3). But neither 28 U.S.C. § 636 nor Federal Rule of Civil Procedure 72 requires a district court to review the recommendation of a magistrate judge to which no objections are raised. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985).

This Court carefully reviewed the R&R, and accepts and adopts Judge Foschio's recommendation.

For the reasons stated above, and in the R&R, this Court DISMISSES as moot in part, DENIES in part, and GRANTS in part Defendant's [17] motion for summary judgment; GRANTS in part and DENIES in part Plaintiff's [21] cross-motion; and DENIES Defendant's [22] motion to strike. This matter is referred back to Judge Foschio to calculate damages, and Plaintiff is directed to file an application for attorneys' fees.

SO ORDERED.

Dated: July 18, 2025
Buffalo, New York



JOHN L. SINATRA, JR.
UNITED STATES DISTRICT JUDGE